

REMARKS

Applicant respectfully requests allowance of the subject application. Claims 1-47 are pending. In view of the following remarks, Applicant respectfully requests that the rejections be withdrawn and the application be forwarded along to issuance.

§ 102(e) Rejection

Claims 1, 6-9, 13-14, 18-19, 23-24, 28-30, 32-34, 36 and 40-41 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. 2004/0243997 to Mullen et al. (hereinafter "Mullen"). The Applicants respectfully disagree.

Claim 1 is directed to a server system. Claim 1 recites in part:

- if the first field corresponds to the second field, then comparing the first description of the first condition with the second description of the second condition to determine whether the first condition is met by the second condition; and
- if met, then determining that the configuration setting is valid for use with the second application.

The Applicant respectfully submits that the Mullen reference fails to disclose at least these features.

Mullen describes a method in which program components are copied from a first file directory to a second file directory during installation. *See Mullen, Page 1, paragraph [0006]*. The Mullen system only determines the application configuration settings of the first file directory and then copies the setting to the second file directory. *See Mullen, Page 1, paragraph [0009]*. Nowhere does Mullen disclose validating including "if the first field corresponds to the second

1 field, then comparing the first description of the first condition with the second
2 description of the second condition to determine whether the first condition is met
3 by the second condition” or “if met, then determining that the configuration setting
4 is valid for use with the second application” as recited in claim 1. Mullen simply
5 is a copy functionality which is capable of determining application configuration
6 settings of a first directory and then copying them to a second file directory. See
7 *Mullen, Page 1, paragraph [0009]*. Mullen, Paragraph [0029] is incorrectly cited
8 for this disclosure. The entirety of Mullen paragraph [0029] is reproduced below
9 for convenience.

10 [0029] In certain implementations, the configuration setting entry 80
11 (FIG. 3) may indicate a directory location and file or parameter
12 name for the operating system or application program configurations
13 settings 84a, 84b . . . 84n for the preexisting installation to copy and
14 the target directory location of where to write the copied preexisting
15 configuration settings 106, 110. The configuration settings 84a, 84b .
16 . . . 84n may indicate the source of the configuration settings to copy
17 as relative to the root of the preexisting directory locations 102 and
18 the target location to write the configuration settings as relative to
19 the root of the directory locations 122 for the new installation.
20 Alternatively, the configuration settings 84a, 84b . . . 84n may
21 indicate the source and target locations for the configuration settings
22 to copy as absolute file directory locations. If the configuration
23 settings to copy are maintained in a file, then the file would be
24 copied over. If the configuration settings to copy comprise
25 parameters in a data structure, such as a registry file or other file,
then the installation program 52 would open that data structure to
access the configuration settings to copy, and then open the
corresponding data structure in the new installation to update with
the copied configuration setting value. See *Mullen, Paragraph
[0029]*.

As shown in the above paragraph, Mullen discloses determining and copy
functionality. Paragraph [0029] does not “compare the first description of the first
condition with the second description of the second condition.” Claim 1 recites a

1 method of validating a configuration setting of a first application including in part
2 "if the first field corresponds to the second field, then comparing the first
3 description of the first condition with the second description of the second
4 condition to determine whether the first condition is met by the second condition."
5 Neither paragraph [0029], nor anywhere does Mullen teach the recited portion.
6 Additionally, Mullen fails to teach if met, "then determining that the configuration
7 setting is valid for use with the second application." Mullen does not disclose this
8 capability, as the Mullen reference merely determines "[i]f the configuration
9 settings to copy comprise parameters in a data structure . . . then the installation
10 program 52 would open that data structure to access the configuration settings to
11 copy . . ." and subsequently copies the data to the second file directory (the new
12 installation).

13 The Examiner, in the *Response to Arguments*, asserted that "Mullen
14 discloses that if an entry 90 is included in the application configuration list 56,
15 then comparing a location relative to the root location of the currently installed
16 operating system of where the configuration setting to copy and the target location
17 of where to write the copied configuration setting are located relative to the root of
18 the operating system or application installed from the system installation (see
19 paragraph 023, lines 10-17). This will validate whether the entry 80 is included in
20 the configuration list 56." The asserted portion of Mullen is excerpted as follows
21 for the sake of convenience:

22 [0023] FIG. 3 illustrates information maintained in the
23 application/OS configuration list 56. The application/OS
24 configuration list 56 may include entries 80, where each entry
25 identifies an operating system or application program 82
included in the installation and one or more configuration
settings 84a, 84b . . . 84n that are to be copied from the

1 configuration settings of the currently installed operating
2 system or application to the configuration settings used by the
3 operating system and applications installed from the system
4 installation package 50. The configuration setting 84a, 84b . .
5 . 84n information would indicate a location relative to the root
6 location of the currently installed operating system where the
7 configuration setting to copy and the target location of where
8 to write the copied configuration setting are located relative to
9 the root of the operating system or application installed from
10 the system installation package 50. As discussed, the copied
11 configuration setting may comprise a file or a parameter or
12 value accessed from a file. The configuration setting
13 information may be implemented in different data formats
14 and data structures than shown in FIG. 3. See Mullen,
15 *Paragraph [0023]*.

16 As is readily apparent from the above asserted section, however, copying of
17 configuration setting is again disclosed, with no mention of a condition for a field
18 nor comparison of these conditions. Accordingly, a *prima facie* case of
19 anticipation has not been established, and withdrawal of the rejection is
20 respectfully requested.

21 **Claim 5** is allowable based on its dependency from Claim 1. Claim 5 is
22 further allowable as Mullen fails to teach an attribute being "a declarative tag."
23 Mullen paragraph [0027] cited for this proposition only discloses logic
24 implemented during installation. See Mullen, Pages 2-3, paragraph [0027]. In
25 the same passage, Mullen only discloses 1) the operating system (OS) may
continue to run, 2) the creation of a new root directory (for the "new installation"),
and 3) rebooting will cause the new installed OS to run. See Mullen, Pages 2-3,
paragraph [0027]. Nowhere else does Mullen correct the deficiency of teach the
features recited in Claim 5. Removal of the pending rejection is respectfully
requested.

1 **Claims 6, 7 and 8** are allowable based on the same rational as Claim 1
2 from which the instant claims depend. Furthermore, with respect to Claim 6, as
3 Mullen fails to "validate" as recited in Claim 1, Mullen is incapable of
4 "communicating a result" of the validation as recited in Claim 6. Mullen,
5 paragraph [0029] does not correct this defect. Removal of the pending rejection is
6 respectfully requested.

7 **Claim 9** is directed to a method. Claim 9 recites in part:

- 8 • examining a second application to find a second configuration setting that
9 corresponds to the first configuration setting, wherein the second
10 application is composed of computer instructions, the computer
11 instructions having an attribute, the attribute providing a second
12 description of a second condition for a second field, the second
13 configuration setting having the second field and the second description;
14 and
- 15 • comparing the second description of the second condition with the
16 first description of the first condition to determine whether the
17 second condition is met by the first condition, and if met then
18 determining that the second configuration setting is valid for use
19 with the first application.

20 The Mullen reference fails to disclose at least these features. Mullen FIG. 4 items
21 128 and 130 are cited as teaching "examining a second application . . ." This is
22 incorrect. The Mullen reference does not examine a second application. Rather,
23 Mullen simply teaches a copy functionality which does not include examination of
24 a second application. *See Mullen, Page 3, paragraph [0029]*. Mullen is only
25 concerned with copying a first file directory to generate an image for a second
26 directory. Mullen ends with this copy functionality and does not compare "the
27 second description of the second condition with the first description of the first
28 condition to determine whether the second condition is met by the first condition,
29 and if met then determining that the second configuration setting is valid for use
30 with the first application" as recited in Claim 9. Not only does Mullen fail to

1 disclose the foregoing passage, but Mullen would not require this functionality as
2 Mullen is limited to copying to generate an operating system image, such as when
3 installing an operating system. *See Mullen, Abstract.*

4 It is respectfully submitted that the reference to Mullen paragraph [0029] is
5 incorrect as this passage (reproduced above) does not disclose "comparing the
6 second description of the second condition with the first description of the first
7 condition to determine whether the second condition is met by the first condition,
8 and if met then determining that the second configuration setting is valid for use
9 with the first application." Mullen Paragraph [0029] only teaches "[i]f the
10 configuration settings to copy comprise parameters in a data structure. . . then the
11 installation program 52 would open that data structure to access the configuration
12 settings to copy. . ." and subsequently copies the data to the second file directory
13 (the new installation). Nowhere is comparing disclosed or even suggested.
14 Removal of the pending rejection is respectfully requested.

15 **Claim 13** is allowable based on its dependency from Claim 9. As a *prima*
16 *facie* case of anticipation has not been shown with respect to Claim 9, removal of
17 the pending rejection is respectfully requested.

18 **Claim 14** has been amended it is believed to be in a condition for
19 allowance which is earnestly solicited. Nowhere in the asserted references is a
20 method including utilizing the configuration file to validate configuration settings
21 disclosed or suggested. Removal of the pending rejection is respectfully
22 requested.

23 **Claim 18** is allowable as Claim 18 recites one or more computer readable
24 media . . . that perform the method as recited in claim 14. Mullen fails to teach or
25

disclose computer readable media having this performance capability. Removal of the pending rejection is respectfully requested.

Claim 19 is allowable as nowhere does Mullen disclose or teach a method including “validating whether the first application is valid for use with a second said application by comparing each said configuration setting of the first application with a corresponding said configuration setting of the second said application to determine whether each said condition of the first application is met by a corresponding said condition of the second application.” Mullen fails to teach any validation as Mullen merely provides a copy functionality. Removal of the pending rejection is respectfully requested.

Claim 23 is allowable as it performs the method of Claim 19. Claim 19 is allowable as nowhere does Mullen teach “validating whether the first application is valid for use with a second said application by comparing each said configuration setting of the first application with a corresponding said configuration setting of the second said application to determine whether each said condition of the first application is met by a corresponding said condition of the second application.” As Claim 19 is allowable based on the foregoing rational, Claim 23 is allowable as the Mullen reference fails to disclose the features of Claim 19, nor does Mullen disclose “[o]ne or more computer-readable media comprising computer executable instructions that, when executed, perform the method as recited in claim 19.” Removal of the pending rejection to Claims 23 is respectfully requested and allowance solicited.

Claim 24 is pending a rejection under 35 U.S.C. 102(e) over Mullen. Applicants disagree. Claim 24 in part recites:

- validate whether the first condition is met by a second application, wherein:

1 the second application is composed of computer instructions;
2 the computer instructions have an attribute that provides a second
3 description of a second condition for a second field; and
4 the first condition is validated through comparison with the second
5 condition.

6 Mullen fails to teach computer-readable medium which when executed causes a
7 computer to "validate whether the first condition is met by a second application . .
8 ." Mullen item "128" of FIG. 4 was incorrectly cited for this teaching. FIG. 4 item
9 128 is the copied "Installed Application(s)". At Mullen paragraph [0028] (the
10 relevant portion of the reference) describes accessing the one or more application
11 images and copying the images to a location in the created directory location to
12 provide the installed application(s) 128. *See Mullen, Page 3, paragraph [0028]*.
13 At no time does the Mullen reference validate, as item 128 is a copy of the
14 application images. Removal of the pending rejection is respectfully requested
15 and allowance is solicited.

16 **Claim 28** currently is rejected. Applicants disagree with the rejection.
17 Claim 28 recites a computer, in part, including memory. The memory configured
18 to maintain: "a configuration file including a configuration setting of a second
19 application having a second field and a second description of a second condition
20 for the second field;" and "a configuration module that, when executed on the
21 processor, validates the configuration setting for use with the first application by
22 comparing the second description of the second condition with the first description
23 of the first condition to determine whether the second condition is met by the first
24 condition, and if met, then determining that the configuration setting is valid for
25 use with the first application." The Mullen file system 100 does neither. The
Mullen system fails to include a configuration module that . . . "validates the
configuration setting for use with the first application by comparing the second

1 description of the second condition with the first description of the first condition
2 to determine whether the second condition is met by the first condition, and if met,
3 then determining that the configuration setting is valid for use with the first
4 application.” While Mullen paragraph [0029] is cited for this proposition the
5 passage does not recite this asserted teaching. No other portion of Mullen corrects
6 this defect. Paragraph [0029] teaches a copy functionality which does not
7 validate. Instead, Mullen discloses, “[i]f the configuration settings to copy
8 comprise parameters in a data structure, such as a registry file or other file, then
9 the installation program 52 would open that data structure to access the
10 configuration settings to copy, and then open the corresponding data structure in
11 the new installation to update with the copied configuration setting value.” See
12 *Mullen, Page 3, paragraph [0029]*. Removal of the pending rejection is
13 respectfully requested and allowance is earnestly solicited.

14 **Claims 29 and 30** are allowable based on their dependency from Claim 28.
15 Additionally, Claims 29 and 30 are allowable for based on the individual claim’s
16 own recited features which are not disclosed by Mullen. Accordingly, Applicants
17 respectfully request that the §102(e) rejection to the instant claims be withdrawn.

18 **Claim 32** in part recites a computer including memory configured to
19 maintain:

- 20 • a configuration file including a second configuration setting of a second
21 application having a second field and a second description of a second
22 condition for the second field; and
- 23 • a configuration module that, when executed on the processor, validates
24 the first configuration setting for use with the second application by
25 comparing the first description of the first condition with the second
description of the second condition to determine whether the first
condition is met by the second condition, and if met, then determining
that the first configuration setting is valid for use with the second
application.

1 Mullen fails to anticipate Claim 32 as Mullen does not include a configuration
2 module as recited. Mullen paragraph [0029] is cited as teaching these features.
3 The Office's assertion is incorrect as Mullen does not include a configuration
4 module that, when executed . . . validates the first configuration setting for use
5 with the second application by comparing the first description of the first condition
6 with the second description of the second condition. Mullen does not do this as
7 the asserted second application is merely a copy of the first and does not require
8 verification. In this manner, there is no need in Mullen for the asserted teachings.
9 Removal of the pending rejection is respectfully requested.

10 **Claims 33 and 34** are allowable based on their dependency from Claim 32.
11 Additionally, Claims 32 and 34 are allowable for based on the individual claim's
12 own recited features which are not disclosed by Mullen. Accordingly, Applicants
13 respectfully request that the §102(e) rejection to the claims be withdrawn.

14 **Claim 36** is rejected under 35 U.S.C. §102(e) over Mullen. Applicants
15 disagree. Claim 36 has been amended. Claim 36 in part recites

- 16 • a broadcast transmitter configured to provide media content to a client
17 in response to a request from the client;
- 18 • a first application that when executed provides media content for
19 broadcast by the broadcast transmitter, wherein the application is
20 composed of computer instructions, the computer instructions have
attributes, and each said attribute provides a description of a condition
for a field;

21 Mullen fails to disclose a content server which includes a broadcast transmitter or
22 memory as recited in the claim. Mullen only discloses a system for installing
23 program components at no time does the Mullen reference disclose providing
24 media content as recited in Claim 36. Removal of the pending rejection is
25 respectfully requested.

1 **Claim 40** is allowable as nowhere does Mullen teach a “configuration
2 module that is executable to validate whether each said condition is met by a
3 second application.” Mullen only discloses a copy functionality and does not
4 include a configuration module that is executable to validate whether each said
5 condition is met. The installed application of Mullen 128 does not include any
6 comparison function. Rather, item 128 is only the copy of the first application.
7 *See Mullen, Page 3, paragraph [0028]*. Removal of the pending rejection is
8 respectfully requested and allowance is solicited.

9 **Claim 41** is allowable as being based on an independent claim which is
10 believed to be in a condition for allowance. Additionally, nowhere does Mullen
11 disclose a broadcast transmitter as recited in Claim 41.

12
13 **§ 103(a) Rejection**

14 Claims 2-4, 10-12, 15-17, 20-22, 25-27, 31, 35, 37-39 and 42-47 stand
15 rejected under 35 U.S.C. § 103(a) as being unpatentable over Mullen in view of
16 U.S. Patent Application Publication Number 2002/0026436 to Joory et al.
17 (hereinafter “Joory”). The Applicants respectfully disagree.

18 **Claims 2-4** are allowable based on their dependency from Claim 1. The
19 present rejection to Claims 2-4 is improper as neither Mullen, nor Joory
20 individually, or in combination, teach or suggest the recited features. In particular,
21 Joory fails to correct the deficiencies in Mullen including the failure to teach
22 validating as recited in Claim 1. The Joory reference is not cited as correcting this
23 deficiency. Additionally, the cited passage of Joory fails to teach “wherein the
24 first and second conditions are value constraints.” The Joory passage does not
25 include value constraints as recited. The Joory attributes disclose data field which

do not necessarily teach value constraints. Exemplary value constraints including, for example, integer range, float range, or value set. Instead, the Joory attributes are merely varying data. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Removal of the pending rejection to Claims 2-4 is respectfully requested.

Regarding **Claims 10-12**, the Joory reference fails to correct the deficiencies of Mullen including the failure to teach examining and comparing as recited in the base claim. Claims 10-12 are also allowable for their own recited features which, in combination with those recited in Claim 9, are neither shown nor suggested in the references of record, either singly or in combination with one another. Joory additionally fails to teach value constraints. Joory, Paragraph [0049] discloses various data types included within application setup data or attributes. The attributes do not teach value constraints as recited in Claim 10. The Joory attributes only provide examples of data types and do not teach or suggest the utilization of value constraints as recited. Removal of the pending rejection to Claims 10-12 is respectfully requested.

Claims 15-17 are allowable as being based on an independent claim, Claim 14, which is believed to be in a condition for allowance. The Joory reference is not cited as correcting the deficiencies of Mullen with respect to the base Claim 14. Claims 15-17 are also allowable for their own recited features which, in combination with those recited in Claim 14, are neither shown nor suggested in the references of record, either singly or in combination with one another. With particular regard to Claim 15, the Joory reference fails to teach "a value constraint

1 selected from the group consisting of: an integer range; a float range; a value set; a
2 string pattern; cardinality of a collection; a mandatory value; and an optional
3 value. The recited passage of Joory fails to disclose the recited potential constraint
4 values and does not teach each and every limitation as required for a combination
5 under 35 U.S.C. §103(a). Removal of the pending rejection is requested and
6 allowance is solicited.

7 **Claims 20-22** are allowable based on their respective dependency from
8 Claim 19 which is believed to be in a condition for allowance. The asserted
9 combination of Mullen and Joory is improper as the Joory reference is not cited as
10 correcting the deficiencies in the Mullen reference with respect to the features of
11 Claim 19. Applicants will not burden the record. With specific regard to Claim
12 20 the Joory reference does not teach or suggest constraint values as recited in the
13 claim. The "attributes" of Joory are simply data and do not teach or suggest
14 "wherein each condition is a value constraint . . ." Removal of the pending
15 rejection to the instant claims is respectfully requested.

16 **Claims 25-27** are allowable based on their dependency from Claim 24.
17 Claim 25 is additionally patentable as neither Joory, nor Mullen teach or disclose
18 value constraints. Claims 26 and 27 are also allowable for their own recited
19 features which, in combination with those recited in Claim 24, are neither shown
20 nor suggested in the references of record, either singly or in combination with one
21 another. Removal of the pending rejection is respectfully requested.

22 **Claims 31 and 35** are allowable based on their dependency from Claims 28
23 and 32. The instant claims are also allowable for their own recited features which,
24 in combination with those recited in each claims respective base claim, are neither
25

1 shown nor suggested in the references of record, either singly or in combination
2 with one another. Removal of the pending rejection is respectfully requested.

3 **Claim 37** is allowable as neither the Mullen reference, nor the Joory
4 reference teach or disclose value constraints. Joory, asserted as teaching "value
5 constraints" instead merely teaches "attributes" which fail to disclose or suggest
6 value constraints. Claim 37 is also allowable based on the same rationale as
7 discussed with respect to independent Claim 36, from which the instant claim
8 depends. Removal of the pending rejection is requested and allowance is solicited.

9 **Claims 38 and 39** are allowable based on their dependency from Claim 36.
10 The instant claims are also allowable for their own recited features which, in
11 combination with those recited in each claims respective base claim, are neither
12 shown nor suggested in the references of record, either singly or in combination
13 with one another. Removal of the pending rejection is respectfully requested.

14 **Claim 42** is allowable as neither the Mullen reference, nor the Joory
15 reference teach or disclose value constraints or the features of independent Claim
16 40, from which the instant claim depends. Joory, asserted as teaching "value
17 constraints" instead merely teaches "attributes" which fail to disclose or suggest
18 value constraints. Claim 42 is also allowable based on the same rationale as
19 discussed with respect to independent Claim 40. Removal of the pending rejection
20 is requested and allowance is solicited.

21 **Claims 43 and 44** are allowable based on their dependency from Claim 40.
22 The instant claims are also allowable for their own recited features which, in
23 combination with those recited in each claims respective base claim, are neither
24 shown nor suggested in the references of record, either singly or in combination
25 with one another. Removal of the pending rejection is respectfully requested.

1 **Claim 45** is pending a rejection under 35 U.S.C. §103(a) over Mullen in
2 view of Joory. Applicants disagree. The Mullen/Joory combination fails to teach
3 or suggest the inclusion of a configuration module that is executable by the second
4 computer to validate the first configuration setting. Mullen was cited for this
5 proposition. Joory was neither cited as correcting this deficiency, nor does Joory
6 correct this deficiency in Mullen. The Mullen reference does not validate setting
7 because the Mullen system is only for copying. The Mullen copy functionality
8 neither discloses validation, nor is there any need to validate as Mullen is merely
9 concerned with computer intra copying while Claim 45 recites a first and second
10 computer.
11

12 The citation to Joory is additionally incorrect as the combination is taken in
13 a piecemeal fashion to cobble together the features of the instant claim rather than
14 considering the claim as a whole, as is required under the law. Even if one were to
15 combine Mullen and Joory, the resultant combination would not result in the
16 present invention as there is no teaching or suggestion in the references, either
17 singly or together, which would cause one of skill in the art to take the asserted
18 “configuration module” and include the module in a second computer. Even if
19 one were to assume the combination was proper, there is no teaching which would
20 suggest modifying the Mullen system, which is directed to a single device, and
21 changing it to a first and second computer system with an asserted configuration
22 module in the second computer and operate the system in the recited manner.
23
24
25

1 Removal of the pending rejection is respectfully requested and allowance is
2 solicited.

3 **Claims 46 and 47** are allowable based on their dependency from Claim 45.
4 The instant claims are also allowable for their own recited features which, in
5 combination with those recited in each claims respective base claim, are neither
6 shown nor suggested in the references of record, either singly or in combination
7 with one another. Removal of the pending rejection is respectfully requested.
8

9 **Conclusion**

10 All of the claims are in condition for allowance. Accordingly, Applicant
11 requests a Notice of Allowability be issued forthwith. If the Office's next
12 anticipated action is to be anything other than issuance of a Notice of Allowability,
13 Applicant respectfully requests a telephone call for the purpose of scheduling an
14 interview.
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16
17 Respectfully Submitted,

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20 Dated: 11/30/06

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